

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES R. M., JR.,

Plaintiff,

Case No. 1:22-cv-11713

v.

Honorable Thomas L. Ludington
United States District Judge

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Honorable Patricia T. Morris
United States Magistrate Judge

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**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES**

On July 26, 2022, Plaintiff James R. M., Jr. filed a complaint challenging the Commissioner of Social Security's final decision denying her application for Disability Insurance Benefits (DIB). ECF Nos. 1; 21 at PageID.3105; 27 at PageID.3138. On December 14, 2022, Defendant filed a motion for summary judgment. ECF No. 16. Plaintiff filed a cross motion for summary judgment on January 12, 2023. ECF No. 17. On March 10, 2023, this Court granted Plaintiff's summary judgment motion and denied Defendant's, remanding the case for further consideration by an Administrative Law Judge (ALJ) under 42 U.S.C. § 405(g). ECF No. 21.

Plaintiff prevailed on remand. On March 1, 2024, an ALJ approved Plaintiff's application for DIB and awarded him \$84,650 in past-due benefits. ECF No. 27 at PageID.3138. Soon after, Attorney Matthew Taylor—who represented Plaintiff in this action—filed a motion seeking \$8,000.00 in attorney's fees under 42 U.S.C. § 406(b). ECF No. 23.

Attorney Taylor's Motion was referred to Magistrate Judge Patricia T. Morris, ECF No. 24, who issued a report and recommendation (R&R) on August 28, 2024. ECF No. 27. Judge

Morris concluded that the proposed award was proper and recommended this Court grant Attorney Taylor's Motion. *Id.* at PageID.3142.

Judge Morris provided the Parties 14 days to object, *id.*, but the Parties did not do so. Thus, they have forfeited their right to appeal Judge Morris's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in Judge Morris's R&R.

Accordingly, it is **ORDERED** that Magistrate Judge Patricia T. Morris's Report and Recommendation, ECF No. 27, is **ADOPTED**.

Further, it is **ORDERED** that Attorney Matthew Taylor's Motion for Attorney's Fees, ECF No. 23, is **GRANTED**.

Further, it is **ORDERED** that Plaintiff Counsel Matthew Taylor is **AWARDED \$8,000.00** in attorney's fees, to be withheld from Plaintiff's past-due disability benefits award.

Dated: October 21, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge